

Complaint Exhibit 18

**Prepared Outside the Commonwealth of
Virginia by or under the supervision of
Jeffrey L. Tarkenton, Virginia State Bar # 20631**

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

RABO AGRIFINANCE LLC
14767 N. Outer 40 Rd., Suite 400
Chesterfield, MO 63017
Attn: Loan Operations

Tax Map No.: 73A4-5-1; 73A4-5-2; 73A4-5-8; 73A4-5-9; 73A4-5-10; 73A4-5-11; 73A4-PT1,
2, 3, 4; 73A4-A-3; 48-A-16A; 47-A-136C; 47-A-129

NOTE: THIS DOCUMENT IS EXEMPT FROM RECORDATION TAXES PURSUANT TO
SECTION 58.1-809 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED.

SUPPLEMENTAL DEED OF TRUST
(Additional Security)

This SUPPLEMENTAL DEED OF TRUST, made this 19 day of December, 2024, by and between **JOSEPH RANDALL ELLER**, an unmarried citizen and resident of Jefferson, Ashe County, North Carolina, and **ELK CREEK LAND HOLDINGS, LLC**, a Virginia limited liability company (collectively, the "**Grantor**"), to and in favor of **JEFFREY L. TARKENTON**, an individual, as trustee ("**Trustee**"), whose address for purposes of this Deed of Trust is 8350 Broad Street, Suite 1500, Tysons, Virginia 22102, for the benefit of **RABO AGRIFINANCE LLC**, a Delaware limited liability company, as agent for itself and the other Secured Parties under the Collateral Agency Agreement (*Secured Parties and Collateral Agency Agreement defined in the Deed of Trust defined below*); and **Rabo AgriFinance LLC**, in that capacity ("**Beneficiary**" and, "**Grantee**" for indexing purposes) recites and provides:

RECITALS:

By Credit Line Deed of Trust, Assignment of Rents and Security Agreement recorded in the Clerk's Office of the Circuit Court of Grayson County, Virginia, as Instrument No. 240000216, and also recorded in the Clerk's Offices of the Circuit Courts of Carroll County, Virginia, in Deed Book 1231, page 924, Patrick County, Virginia, as Instrument No. 240000199, Smyth County, Virginia, in Deed Book 1110, page 537, and in Floyd County, Virginia, as Instrument No. 240000227 (collectively, the "Deed of Trust"), Joseph Randall Eller, an unmarried citizen and resident of Jefferson, Ashe County, North Carolina, Grayson Farm & Leasing, Inc., a Virginia corporation, Mountain Top Holding of Virginia/North Carolina, L.L.C., a Virginia limited liability company, DD&R Land Holdings, LLC, a Virginia limited liability company, NDRD Land Holdings, LLC, a Virginia limited liability company, D&R Land Holdings, LLC, a Virginia limited liability company, Timber & Logging, LLC, a North Carolina limited liability company, Wescor Farm Operations, LLC, f/k/a Wescor Farming, LLC, a Virginia limited liability company, and Elk Creek Land Holdings, LLC, a Virginia limited liability company, as Grantors, conveyed

to Trustee, real estate more particularly described in the Deed of Trust to secure Beneficiary the payment of the principal amount of \$4,500,000.00, a copy of the Deed of Trust is attached hereto as Exhibit "B" for informational purposes.

Beneficiary has requested and Grantor has agreed to grant and convey unto Trustee, as ADDITIONAL SECURITY under the Deed of Trust (and in addition to the real estate conveyed by the Deed of Trust, as may be amended and supplemented from time to time), the real estate more particularly described below. The parties now desire to amend and supplement the Deed of Trust as follows:

AGREEMENT

NOW, THEREFORE, in consideration of the sum of \$1.00, and other consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby grants and conveys unto the Trustee, with General Warranty and English Covenants of Title, the following described real estate, together with all improvements thereon and appurtenances thereunto belonging, situated in Grayson County, Virginia, and more particularly described as follows, to-wit:


SEE EXHIBIT "A" ATTACHED HERETO
AND MADE A PART HEREOF.

IN TRUST AND AS ADDITIONAL SECURITY to secure to Beneficiary the payment of the indebtedness described in the Deed of Trust. This instrument is exempt from tax pursuant to the provisions of Section 58.1-809 of the Code of Virginia.

All the other provisions of the Deed of Trust not changed by this Supplemental Deed of Trust are hereby ratified and confirmed and shall remain in full force and effect.

(Signature Pages to Follow)

192 Summer Street
Jefferson, NC 28640


[SEAL]
JOSEPH RANDALL ELLER, an individual

COMMONWEALTH OF VIRGINIA)
) SS
COUNTY OF Wythe)

I, the undersigned Notary Public of the County and State aforesaid, certify that JOSEPH RANDALL ELLER personally appeared before me this day and signed the foregoing instrument.

Witness my hand and Notarial stamp or seal, this 19 day of December, 2024.

(Official Seal)



Melissa B. Carter
(official signature of Notary)

Melissa B Carter, Notary Public
(Notary's printed or typed name)

My commission expires: 7-31-2028

By: Joseph Randall Eller
Joseph Randall Eller, Manager

I, the undersigned Notary Public of the County and State aforesaid, certify that JOSEPH RANDALL ELLER personally appeared before me this day and acknowledged that he is the Manager of ELK CREEK LAND HOLDINGS, LLC, a North Carolina limited liability company, and that by authority duly given and as an act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 19 day of December, 2024.

Melissa L. Carter
(official signature of Notary)

Melissa B Carter, Notary Public
(Notary's printed or typed name)

My commission expires: 7-31-2028

EXHIBIT "A"
Legal Description

Situated in Grayson County, Virginia:

All that certain lot or parcel of land lying and being in GRAYSON County, Virginia and more particularly described as follows, to-wit:

M.DISTRICT	ACRES	TAX MAP#
Oldtown	0.201	73A4-5-1
Oldtown	0.301	73A4-5-2
Oldtown	1.192	73A4-5-8
Oldtown	1.052	73A4-5-9
Oldtown	1.826	73A4-5-10
Oldtown	0.704	73A4-5-11
Oldtown	0.38	73A4-PT1, 2, 3, 4
Oldtown	1.58	73A4-A-3
Oldtown	38	48-A-16A
Oldtown	10.217	47-A-136C
Oldtown	41.385	47-A-129

BEING those tracts or parcels of land containing 1.58 acres, 38 acres, 10.2 acres, 41.385 acres, 0.201 acres, 0.301 acres, acres, 1.192 acres, 1.052 acres, 1.826 acres, 0.704 acre, and 0.380 acre, respectively, and being all of the same property conveyed to Elk Creek Land Holdings, LLC, a Virginia Limited Liability Company, by Deed of Gift dated February 10, 2009, by Randall Eller, Member/Manager of Elk Creek Land Holdings, LLC, a North Carolina Limited Liability Company, which deed is of record in the Clerk's Office of the Circuit Court of Grayson County, Virginia, in Deed Book 509, at Page 413.

(For further reference see Instrument No. 200000067)

This conveyance is made subject to easements, conditions and restrictions of record insofar as they may lawfully affect the Property.

EXHIBIT "B"
DEED OF TRUST

Credit Line Deed of Trust, Assignment of Rents and Security Agreement recorded in the Clerk's Office of the Circuit Court of Grayson County, Virginia, as Instrument No. 240000216, and also recorded in the Clerk's Offices of the Circuit Courts of Carroll County, Virginia, in Deed Book 1231, page 924, Patrick County, Virginia, as Instrument No. 240000199, Smyth County, Virginia, in Deed Book 1110, page 537, and in Floyd County, Virginia, as Instrument No. 240000227.

INSTRUMENT 240002284
RECORDED IN THE CLERK'S OFFICE OF
GRAYSON CIRCUIT COURT ON
DECEMBER 30, 2024 AT 02:51 PM
RENEE H. NESTER, CLERK
RECORDED BY: MLW